761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: February 16, 2016

FROM: RALPH J. WEBB, COMMANDER
EAST PATROL DIVISION

TO: DONNIE MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2353662
Incident:	Hit Shooting
Incident Date:	April 13, 2014
Unit:	Century Station
Suspect:	Hernandez, Augustin MH/02-06-69
Involved Employees:	Deputy Armando Hernandez # [redacted] Deputy Carlos Levario # [redacted]
EFRC Date:	February 11, 2016

The Executive Force Review Committee (EFRC) consisting of Commanders Ralph J. Webb, Tracee Allen and Eddie Rivero met and reviewed the above case.

FINDINGS:

The EFRC determined the use of deadly force and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC made no recommendations

RJW:JRB:jrb

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 04/13/2014	Bureau/Station/Facility: Central Patrol Division/ Century Station	Admin. Invest.? ☐	Hit? ☑

Incident Information

URN: 014-05668-2112-055	Date: 04/13/2014	Time: 1605 hours
City or Station: Lynwood	Nature of Incident: Deputies Hernandez and Levario shot and wounded the suspect after he turned and pointed a gun at a witness and deputies.	
Location: [redacted]		

Location Type (check one or more):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☑ Residence
- ☐ Rural
- ☐ School
- ☐ Street
- Other:

Lighting (check only one):
- ☐ Darkness
- ☑ Daylight
- ☐ Other
- ☐ Street Lights

Weather (circle only one):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance:

Incident Type (check one or more):
- ☐ Accidental
- ☑ Armed Person
- ☐ Fleeing Suspect
- ☐ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☐ Traffic Stop
- ☐ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

Initiated by (check only one):
- ☐ Arrest Warrant
- ☑ Call
- ☐ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

Prior Activity (check only one):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Aero Unit? ☑ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
9	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (check only one)	ShiftType (check only one)
[redacted]	Zuniga	Raul	R	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Ordonez	Wilson	A	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Sibrian	Erik	O	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	N/A	N/A

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)
[redacted]	Barreras	Christopher		☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
[redacted]	Shigo	Paul	L.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Ruiz	Patricia	T.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Nathan	Daniel	A.

PSTD Use Only

SH # 2353662

Officer Involved Shooting

URN: 014-05668-2112-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/13/2014	1820 hours		

Employee #	Last Name	First Name	M.I.
[redacted]	Weber	Todd	P.
[redacted]	Gibson	Brenda	L.
[redacted]	Ingreso	Romeo	F.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S# 1	E# 1	FH	CO	45			NN	
S# 1	E# 2	FH	CO	45			NN	
E# 1	S# 1	FH	SW	9	Y			
E# 2	S# 1	FH	BR	9	Y			

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 014-05668-2112-055

Involved Employee

E 1

Field	Value
Employee #	[redacted]
Last Name	Hernandez Jr.
First Name	Armando
M.I.	
Sex	M
Race	H
Rank	Deputy
Unit Assignment	Century Station
Work Assignment (Unit #, Module, etc.)	212D
ShiftTime (circle only one)	☐ EM ☑ PM ☐ Day
ShiftType (circle only one)	☑ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☑
Hrs of sleep prior to shooting	6
Duty Time (hrs)	[redacted]
Clothing (circle only one)	☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	5'10"
Weight	170
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	☑
Number of Prior Shootings	2
Directed Force	[redacted]
Weapons Fired Brand	Smith & Wesson
Caliber	9mm
# Shots	5
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted] / [redacted] / [redacted] /
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted] / [redacted] / [redacted] / [redacted]

E 2

Field	Value
Employee #	[redacted]
Last Name	Levario Jr.
First Name	Carlos
M.I.	
Sex	M
Race	H
Rank	Deputy
Unit Assignment	Century Station
Work Assignment (Unit #, Module, etc.)	212B
ShiftTime (circle only one)	☐ EM ☐ PM ☑ Day
ShiftType (circle only one)	☑ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☑
Hrs of sleep prior to shooting	8
Duty Time (hrs)	[redacted]
Clothing (circle only one)	☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	5'9"
Weight	180
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Directed Force	[redacted]
Weapons Fired Brand	Beretta
Caliber	9mm
# Shots	4
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted] / [redacted] / [redacted] / [redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted] / [redacted] / [redacted] / [redacted]

E

Field	Value
Employee #	
Last Name	
First Name	
M.I.	
Sex	
Race	
Rank	
Unit Assignment	
Work Assignment (Unit #, Module, etc.)	
ShiftTime (circle only one)	☐ EM ☐ PM ☐ Day
ShiftType (circle only one)	☐ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	
Duty Time (hrs)	
Clothing (circle only one)	☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest
Other Factors	
Age	
Height	
Weight	
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	☐
Patrol Certification?	☐
Certification Unit	
Prior Shootings?	☐
Number of Prior Shootings	
Directed Force	☐
Weapons Fired Brand	
Caliber	
# Shots	
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

See Other Side

Officer Involved Shooting
Suspect Information

URN: 014-05668-2112-055

Suspect Information

S 1

Field	Value
Last Name	Hernandez
First Name	Agustin
M.I.	J.
AKA Last Name	
AKA First Name	
AKA M.I.	
Sex	M
Race	Hispanic
Street Address	[redacted]
City	[redacted]
State & Zip Code	[redacted]
Work Phone	None
Home Phone	None
Social Security #	N/A
Driver's License #	[redacted]
Age	44
D.O.B.	02/06/1969
Height	5'8"
Weight	160
FBI #	[redacted]
CII #	[redacted]
Booking #	3931451
Primary Charge	422(a) P.C.
Secondary Charge	245(a)(2) P.C.
Coroner Case?	☐
Coroner Case #	N?A
Intoxication/Drug Usage?	☑
Substance Used	Alcoholic beverage
Armed?	☑
Apprehended?	☑
Mental Illness?	☐
Criminal History?	[redacted]
Vehicle Make	N/A
Model	
Year	
Parole	[redacted]
Probation	[redacted]
Prior Felony Conviction	[redacted]

S

Field	Value
Last Name	
First Name	
M.I.	
AKA Last Name	
AKA First Name	
AKA M.I.	
Sex	
Race	
Street Address	
City	
State & Zip Code	
Work Phone	
Home Phone	
Social Security #	
Driver's License #	
Age	
D.O.B.	
Height	
Weight	
FBI #	
CII #	
Booking #	
Primary Charge	
Secondary Charge	
Coroner Case?	☐
Coroner Case #	
Intoxication/Drug Usage?	☐
Substance Used	
Armed?	☐
Apprehended?	☐
Mental Illness?	☐
Criminal History?	☐
Vehicle Make	
Model	
Year	
Parole	
Probation	
Prior Felony Conviction	

S

Field	Value
Last Name	
First Name	
M.I.	
AKA Last Name	
AKA First Name	
AKA M.I.	
Sex	
Race	
Street Address	
City	
State & Zip Code	
Work Phone	
Home Phone	
Social Security #	
Driver's License #	
Age	
D.O.B.	
Height	
Weight	
FBI #	
CII #	
Booking #	
Primary Charge	
Secondary Charge	
Coroner Case?	☐
Coroner Case #	
Intoxication/Drug Usage?	☐
Substance Used	
Armed?	☐
Apprehended?	☐
Mental Illness?	☐
Criminal History?	☐
Vehicle Make	
Model	
Year	
Parole	
Probation	
Prior Felony Conviction	

S

Field	Value
Last Name	
First Name	
M.I.	
AKA Last Name	
AKA First Name	
AKA M.I.	
Sex	
Race	
Street Address	
City	
State & Zip Code	
Work Phone	
Home Phone	
Social Security #	
Driver's License #	
Age	
D.O.B.	
Height	
Weight	
FBI #	
CII #	
Booking #	
Primary Charge	
Secondary Charge	
Coroner Case?	☐
Coroner Case #	
Intoxication/Drug Usage?	☐
Substance Used	
Armed?	☐
Apprehended?	☐
Mental Illness?	☐
Criminal History?	☐
Vehicle Make	
Model	
Year	
Parole	
Probation	
Prior Felony Conviction	

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	N/A	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	N/A	[redacted]

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **On-duty hit shooting, suspect injured**

IAB FILE NUMBER(S): **SH 2353662**

URN#: **014-05668-2112-051**

DATE/TIME: **April 13, 2014, 1557 hours**

LOCATION: [redacted]

SYNOPSIS

On Sunday, April 13, 2014, an Internal Affairs Bureau (IAB) team comprised of Lieutenant Todd Weber, Sergeant Brenda Gibson, and Sergeant Romeo Ingreso responded to a command post in Century Station's jurisdiction, regarding an on-duty hit shooting. Suspect Agustin Jaime Hernandez sustained three gunshot wounds (left thigh, right thigh, and left foot). He was subsequently transported to Saint Francis Medical Center where he was treated for his injuries. Deputies were not injured during the incident.

On April 13, 2014, at 1557 hours, Deputy Armando Hernandez Jr. was working Unit 212D and Deputy Carlos Levario Jr. was working Unit 212B in single deputy units. Deputy Wilson Ordonez was also working a single deputy unit in Unit 212B1. Deputies Raul Zuniga and Erik Sibrian were working Unit 213D together. All deputies were working patrol assignments in marked Los Angeles County Sheriff's Department patrol vehicles. Deputy Hernandez received the handle on a call regarding a person with a gun at [redacted] **[EXHIBIT A, page 75]**.

> **IAB Note: Witness [redacted] called 9-1-1 via his residence telephone and reported that his [redacted], Suspect Agustin Jaime Hernandez, was at his residence with a gun [EXHIBIT B].**

Deputy Hernandez coordinated the call, and communicated with the Los Angeles County Sheriff's Department's Aero Bureau Unit Air-22, Deputies Charles Gonzalez and Federico Carlo Jr., via the L-TAC frequency **[EXHIBIT B]**. Deputy Gonzalez was the pilot and Deputy Carlo was the tactical flight deputy. Deputy Hernandez instructed Unit Air-22 to fly over the location, and to report their observations. The airship arrived within two minutes and Deputy Gonzalez orbited the location.

Deputy Carlo advised, the suspect was standing in the doorway of a Mexican restaurant located on the east side of the location. Deputy Carlo then advised the suspect left the location and walked toward Witness [redacted], who was backing away from the suspect with his hands up. Deputy Carlo directed the deputies to the driveway where the two men were standing. Deputies Hernandez, Levario, Ordonez, Zuniga and Sibrian all parked east of the location, and approached on foot. The deputies did not discuss a plan prior to approaching. Deputy Levario approached first followed by Deputies Hernandez, Ordonez, Zuniga and Sibrian. Deputies Levario, Hernandez, Ordonez and Sibrian all had their Department issued duty weapons un-holstered, and Deputy Zuniga had a shotgun. The deputies did not have cover or concealment available as they approached. Deputy Ordonez separated from the deputies and took a position to the east, behind a white GMC conversion van. When Deputies Levario, Hernandez, Zuniga and Sibrian reached a green Sports Utility Van (SUV) parked in front of the courtyard, they saw the suspect standing in the courtyard. The suspect was within close proximity of Witness [redacted] and the two men were arguing. The suspect was holding a silver, semi-automatic Colt, 45 caliber pistol in his right hand. The suspect's back was toward the deputies, but Witness [redacted] was facing them.

IAB Note: **Witness [redacted] called 9-1-1 via his cellular telephone and reported a fight at his residence involving a man with a gun. Witness [redacted] then terminated the call with the operator because deputies were on scene [EXHIBIT B].**

Deputy Levario moved in front of the green SUV, where he went down to one knee, and took a position on the east side of the opening of the fence that led to the courtyard. Deputy Levario was approximately 20 feet away from the suspect as he pointed his weapon at the suspect. Deputy Levario's shooting backdrop consisted of garages. Deputy Hernandez remained behind the green SUV, and took a position near the passenger side rear bumper. He was approximately 50 feet away from the suspect as he pointed his weapon at the suspect. Deputy Hernandez' shooting backdrop consisted of a structure, white van, and Witness [redacted]. Deputy Levario announced aloud that the suspect had a gun then ordered the suspect twice, in English, to drop the gun. Deputy Hernandez ordered the suspect once, in Spanish, to drop the gun. The suspect glanced over his shoulder and looked in the direction of the deputies, but did not drop his gun. Witness [redacted] backed away from the suspect toward the white van parked nearby. Deputies Zuniga and Sibrian walked across the driveway to the opposite side. Deputy Zuniga went down to one knee and took a position on the west side of the opening of the fence. He was approximately 15 to 20 feet away from the suspect as he pointed the shotgun at the suspect. Deputy Zuniga also ordered the suspect, in Spanish, to put the gun down, and to put his hands up. Deputy Sibrian returned to the east side of the opening of the fence to seek cover near the green SUV.

The suspect turned back toward Witness [redacted] and pointed the gun at him. Deputy Levario believed the suspect was going to shoot Witness [redacted], him, and his fellow deputies. Deputy Levario fired five rounds at the suspect from his Department issued duty weapon.

In addition, Deputy Hernandez believed the suspect was going to shoot Witness , him, and his fellow deputies. Deputy Hernandez moved to his right and fired four rounds at the suspect from his Department issued duty weapon. The deputies were not in a crossfire. The suspect slowly fell to the ground onto his left side. He dropped the gun, which fell within his reach. In addition, the suspect continued to move around on the ground. Deputy Carlo was looking through his binoculars at the time of the shooting and had a limited field of view. Deputy Ordonez did not shoot the suspect because Witness was in his line of fire. Deputy Zuniga did not shoot the suspect because the suspect had already been struck by gunfire, and had fallen to the ground. In addition, Deputy Sibrian did not witness the shooting because he was seeking cover at the time. Deputies Levario and Ordonez held the suspect at gunpoint until assisting units arrived on scene and took the suspect into custody. Witness was subsequently detained by Deputy Sibrian.

Unit 212T3, Deputies Jesus Rubio and Patricia Galaviz arrived on scene and Deputy Galaviz advised, via Dispatch 4, that a deputy involved shooting occurred. Deputy Galaviz also requested paramedics to the scene **[EXHIBIT A, page 40]**. Deputy Zuniga requested a sergeant to the scene with a shield and an arrest team to the location to secure the suspect. Lieutenant Daniel Nathan along with Sergeants Christopher Barreras and Paul Shigo arrived on scene and devised a plan to extract the suspect, and check the surrounding buildings for additional suspects, and victims **[EXHIBIT A, page 74]**. Assisting deputies approached the suspect utilizing a shield. Deputies Nancy Zavala and Jennie Murguia handcuffed the suspect and escorted him to the front of the location where he was treated by paramedics **[EXHIBIT A, page 43]**. The suspect was then transported via ambulance to Saint Frances Medical Center where he underwent surgery for multiple gunshot wounds. Deputy David Brewer accompanied paramedics to the hospital with the suspect **[EXHIBIT A, page 63]**. Deputies Jasen Tapia and Dewayne Brown directed assisting deputies to contain the location, check the area for witnesses, and guard the suspect's firearm. They also directed Deputies Zavala and Murguia to establish a command post **[EXHIBIT A, pages 44-46]**. Detectives Kevin Acebedo and Phillip Martinez from the Los Angeles County Sheriff's Department Homicide Bureau arrived, and assumed control of the investigation. For further information regarding this investigation refer to the Homicide case book, under URN #014-05668-2112-051 **[EXHIBIT A]**.

IAB Note: **The suspect's handgun was found to be unloaded at the time it was recovered [EXHIBIT A, pages 22 and 26].**

IAB Note: **IAB Lieutenant Weber ensured that Watch Commander Lieutenant Nathan took reasonable steps to ensure that all involved parties and witnesses did not discuss the incident amongst themselves.**

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the shooting of Agustin Jaime Hernandez by Deputies Armando Hernandez and Carlos Levario. In their letter of opinion **[EXHIBIT C]**, dated February 24, 2015, Deputy District Attorney Rosa Alarcon concluded Deputies Hernandez and Levario acted lawfully in defense of others.

INVOLVED PERSONNEL AND WORK HISTORY

Armando Hernandez Jr., Deputy Sheriff, #[REDACTED]
Central Patrol Division
Century Station

Work History

Date of Employment:	January 5, 2005
Date Assigned to Patrol/Century Station:	October 28, 2007
Date Completed Patrol Training:	[REDACTED]
Prior Shooting Incident(s):	November 10, 2007, SH 2208197 August 7, 2009, SH 2248403
Prior Founded Force Incidents:	[REDACTED]

IAB Note: Deputy Hernandez is currently assigned to [REDACTED].

Equipment Worn On Person

Handgun, Smith and Wesson, M&P, 9 millimeter Luger caliber, semiautomatic pistol, Serial Number HRK[REDACTED], with a Surefire X300 Ultra weapon light attached

(3) Magazines with live ammunition

TASER

Oleoresin Capsicum Pepper Spray

Handcuffs (two pairs)

Handheld portable radio

Bullet resistant vest

Carlos Levario Jr., Deputy Sheriff, #
Central Patrol Division
Century Station

Date of Employment: September 13, 2006
Date Assigned to Patrol/Century Station: August 11, 2013
Date Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force:

IAB Note: Deputy Levario is currently assigned to

Equipment Worn On Person

Handgun, Beretta, Model 92FS, 9 millimeter Luger caliber, semiautomatic pistol, Serial Number H with a Surefire X300 Ultra weapon light mounted onto a Surefire MR11 adapter

(4) Magazines with live ammunition

Expandable Baton

Oleoresin Capsicum Pepper Spray

Handcuffs (two pairs)

Handheld portable radio

Bullet resistant vest

SUSPECT INFORMATON

Agustin Jaime Hernandez
Male, Hispanic, DOB: February 6, 1969, 5'08", 160 pounds

CII # MAIN # FBI #

IAB Note: A copy of Suspect Hernandez' history is included in the Homicide Investigation Book [EXHIBIT A, pages 113-136].

SUSPECT'S INJURIES

According to Suspect Hernandez' Los Angeles County Sheriff's Department Confidential Medical Information, he sustained one gunshot wound to his right thigh, one gunshot wound to his left thigh, and one gunshot wound to his left foot.

IAB Note: **Suspect Hernandez told IAB Sergeant Louis Vigil he was shot twice in the right leg and once in the left leg [TRANSCRIBED INTERVIEWS, SUSPECT AGUSTIN JAIME HERNANDEZ, pages 11-13]. In addition, according to the Homicide Investigative Book, Suspect Hernandez' , told investigators he was shot twice in each of his legs [EXHIBIT A, page 21].**

DEPUTY PERSONNEL INJURIES

Deputies were not injured during this incident.

PHYSICAL EVIDENCE

Forensic Deputies Charles R. Garcia and Jeff Collins located and collected all physical evidence. Forensic Identification Specialist II Teresa Chin Romo, and Senior Criminalists Phil Teramoto, and Julie Elbogen, all from the Los Angeles County Sheriff's Department's Scientific Services Bureau (Crime Lab), assisted. Deputy Brian Deruyter from the Los Angeles County Sheriff's Department's Technical Operations Detail also assisted. For descriptions of the evidence collected and where it was collected, see the Homicide Investigation Book **[EXHIBIT A, pages 86-106]**.

INVESTIGATOR'S OBSERVATIONS

Approximately two hours transpired from the time of the shooting to IAB Investigators' observations. The scene is described in detail by Homicide Detective Daniel Morris and Sergeant Robert Gray **[EXHIBIT A, pages 24-35]**, and Detective Ty C. Labbe **[EXHIBIT A, pages 36 and 37]**. Their description of the scene was consistent with IAB Investigators' observations. The scene was also photographed by the aforementioned Sheriff's Crime Lab personnel.

WEAPON USED BY DEPUTY HERNANDEZ

Deputy Hernandez fired four rounds of Department issued 9 millimeter ammunition from his Department issued Smith and Wesson M&P, semiautomatic pistol. The firearm was examined by Senior Criminalist Phil Teramoto of the Scientific Services, Firearms Identification Section and found to be functional **[EXHIBIT A, page 102]**. Four fired 9 millimeter Luger cartridge casings, head stamped "WIN 9MM Luger," were recovered at the scene **[EXHIBIT A, pages 25 and 26]**.

Date last qualified:
Date last trained with weapon:



WEAPON USED BY DEPUTY LEVARIO

Deputy Levario fired five rounds of Department issued 9 millimeter ammunition from his Department issued Beretta 92FS, semiautomatic pistol. The firearm was examined by Senior Criminalist Phil Teramoto of the Scientific Services, Firearms Identification Section and found to be functional **[EXHIBIT A, page 102]**. Five fired 9mm Luger cartridge casings, head stamped "WIN 9MM Luger," were recovered at the scene **[EXHIBIT A, page 25]**.

Date last qualified: [redacted]
Date last trained with weapon: [redacted]

WEAPON USED BY SUSPECT HERNANDEZ

Suspect Hernandez was in possession of a Colt Mark IV, Officer's Model Series 80, semiautomatic pistol. The weapon was unloaded, and did not contain a magazine **[EXHIBIT A, page 25]**. However, an unloaded magazine was recovered at the scene inside the right front pocket of a black leather jacket recovered from the grass at the location **[EXHIBIT A, page 26]**. In addition, two fired cartridge cases recovered from the search warrant executed at the suspect's residence, was determined to have been fired from the Colt pistol **[EXHIBIT A, pages 79 and 95]**. Forensic Identification Specialist II Teresa Chin Romo did not find any fingerprints on the pistol.

PROPERTY DAMAGE BY SUSPECT HERNANDEZ

None

CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation into the shooting was handled by Detectives Kevin Acebedo and Phillip Martinez of the Los Angeles County Sheriff's Department's Homicide Bureau. Deputy District Attorney Beatriz M. Dieringer filed two felony charges of Criminal Threats, and two felony charges of Assault with a Firearm against Suspect Hernandez **[EXHIBIT A, pages 107-112]**.

LIGHTING AND WEATHER CONDITIONS

This shooting incident occurred during the daytime. The weather was clear and warm.

WITNESS STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information, and precise wording may be obtained by reviewing the digitally audio recorded interviews, and verbatim transcriptions. IAB investigators reviewed all reports authored by the involved deputies.

INVOLVED EMPLOYEE DEPUTY ARMANDO HERNANDEZ JR.

On April 13, 2014, Homicide Detectives Kevin Acebedo and Phillip Martinez interviewed Deputy Hernandez. The interview is summarized in the Homicide Investigation Book **[EXHIBIT A, pages 10, 11, 14 and 15]**. Following is a brief summary of the homicide interview:

Deputy Hernandez began his shift at ████ hours. He worked Century Station's Unit 212D, in a marked Los Angeles County Sheriff's Department patrol vehicle. He was a single deputy unit. At the time of this incident, Deputy Hernandez had been assigned to Century Station for five years. In addition, he was a training officer for a year, but he was not training during this incident. His uniform attire was a Class A long sleeve shirt, and Class A pants. He carried a TASER, handcuffs, and a Smith and Wesson M&P, 9 millimeter pistol fully loaded with eighteen rounds. In addition, he had a shotgun in the gun rack inside the patrol vehicle and an AR-15 in the trunk. Deputy Hernandez responded to the area of ████████████████████ regarding a person with a gun call, which he was assigned to handle. Deputy Levario was assigned to assist with the call, and responded to the location too. In addition, Deputies Zuniga and Sibrian also responded. Deputy Hernandez coordinated assisting units on L-TAC via the radio in the patrol vehicle **[TRANSCRIBED INTERVIEWS, DEPUTY ARMANDO HERNANDEZ JR.'S HOMICIDE BUREAU INTERVIEW, pages 1-5 and 27]**.

When Deputy Hernandez arrived on scene, an aero unit was already overhead providing updates to the ground units. Deputy Hernandez parked the patrol vehicle east of the location in the driveway of a shopping center, and approached on foot. Several other deputies approached the location with Deputy Hernandez. Deputy Hernandez did not talk to the deputies prior to their approach. Deputy Hernandez walked west on the sidewalk then south down the driveway where he saw two men (Suspect Hernandez and Witness ████) standing in close proximity to each other in the courtyard arguing. The suspect's back was facing Deputy Hernandez and Witness ████ was in front of the suspect to the west. After Deputy Hernandez took cover behind the rear passenger side of a green Sports Utility Vehicle, he stepped out about five feet from behind cover to get an unobstructed view of the two men. Deputy Hernandez heard deputies yelling at the suspect to drop the gun or get on the ground. When the suspect turned his body to the right and looked in the direction of the deputies, Deputy Hernandez saw a gun in his right hand, which was down at his side. Deputy Hernandez gave the suspect a command in Spanish "Tira la pistola," but the suspect turned back toward Witness ████, and did not appear to be concerned that deputies were present.

However, Witness [redacted] appeared scared. Deputy Levario was positioned in front of Deputy Hernandez, near the front passenger side tire of the green Sports Utility Vehicle, in a crouched position **[TRANSCRIBED INTERVIEWS, DEPUTY ARMANDO HERNANDEZ JR.'S HOMICIDE BUREAU INTERVIEW, pages 5-16, 23, 24 and 26]**.

The suspect raised the barrel of the gun by bending his elbow up, and pointed it at Witness [redacted] In addition, he turned toward his right with the barrel of the gun pointed toward Deputy Hernandez and his fellow deputies. Deputy Hernandez said he fired at the suspect twice because he feared the suspect was going to kill him, his fellow deputies, and Witness [redacted].

> **IAB Note:** **Homicide Bureau Investigators determined Deputy Hernandez fired five rounds at the suspect [TRANSCRIBED INTERVIEWS, DEPUTY ARMANDO HERNANDEZ JR.'S HOMICIDE BUREAU INTERVIEW, page 27]**.

The suspect fell to the ground, and was moving around. The gun fell to the west of the suspect. Deputy Zuniga requested assistance via the radio. Witness [redacted] was subsequently detained. Deputy Hernandez requested an arrest team equipped with a shield and stun bag shotgun to assist with taking the suspect into custody. Two arrest teams approached the suspect, including Deputy Hernandez. Two female deputies handcuffed the suspect, and dragged him away from the courtyard to paramedics who treated him at the scene. Deputy Hernandez stood over the suspect's gun until he was relieved. Assisting units secured the scene **[TRANSCRIBED INTERVIEWS, DEPUTY ARMANDO HERNANDEZ JR.'S HOMICIDE BUREAU INTERVIEW, pages 17-22 and 26]**.

On December 22, 2015, IAB Sergeants Brenda Gibson and [redacted] interviewed Deputy Hernandez. The interview was conducted at the IAB office. Attorney Amanda Waters from the law firm of Green & Shinee represented Deputy Hernandez. Following is a summary of the IAB interview:

Deputy Hernandez was working Unit 212D alone during this incident. It was a clear, and dry day. He responded to [redacted] regarding a man with a gun call. He was assigned the handle of the call, and Deputies Levario, Zuniga, Sibrian and Ordonez were assigned to assist. Deputy Hernandez had previously worked with Deputies Zuniga and Sibiran for about a month, and Deputy Levario once. He had not worked with Deputy Ordonez. Deputy Hernandez also had "dangerous scenarios" station training with the aforementioned deputies. Deputy Hernandez was wearing his bullet resistant vest, and he carried a Smith and Wesson M&P, 9 millimeter handgun with a Surefire light attached. Deputy Hernandez did not carry his baton on his person, but stated he kept it in his "war" bag, which was located in the trunk of the patrol vehicle. He also stated if he carried a baton, it would be an ASP, which would have also been in the trunk of the patrol vehicle, if he had it with him. In addition, Deputy Hernandez stated he carried a Pelican flashlight on his person and it was available to use as an impact weapon if needed.

Deputy Hernandez did not have a bean bag shotgun in the trunk because there might not have been one available. However, he had an AR-15 in the trunk and he was certified to use the weapon at that time. Deputy Hernandez acknowledged the call via the radio and Mobile Digital Computer (MDC). He also requested an aero unit to respond, and directed assisting units via the L-TAC frequency to take positions east and west of the location **[TRANSCRIBED INTERVIEWS, DEPUTY ARMANDO HERNANDEZ JR.'S IAB INTERVIEW, pages 1-7, 10, 11 and 38]**.

When Deputy Hernandez arrived on scene, the airship was above, and Deputies Levario, Zuniga, and Sibrian were on scene. Deputy Ordonez arrived at about the same time as Deputy Hernandez. Deputy Hernandez parked his patrol vehicle east of the location, while Deputies Zuniga and Sibrian parked west of the location.

IAB Note: Deputy Hernandez marked the areas he and Deputies Zuniga and Sibrian parked their respective patrol vehicles on a copy of an aerial photograph of the scene [EXHIBIT D, PHOTOGRAPH 1].

Aero Bureau personnel informed ground units of the suspect's exact location. Deputy Hernandez did not communicate with the deputies prior to approaching the location on foot because doing so would have required deputies to cross past the view of the suspect, thus eliminating their element of surprise. Furthermore, since Deputy Levario was already approaching the location on foot when Deputy Hernandez arrived, he simply joined him. In addition, Deputies Zuniga and Sibrian approached the location on foot along the sidewalk. Deputy Hernandez had his weapon un-holstered, and down by his side while Deputy Zuniga was armed with a shotgun. As he approached, Deputy Hernandez saw the suspect arguing with Witness [redacted]. The suspect's back was facing Deputy Hernandez, and he did not see the suspect holding a gun at that time. When Deputy Hernandez took a position behind the rear passenger bumper of a green Sports Utility Vehicle (SUV), which he used as cover, he saw the suspect holding a silver, semi-automatic handgun down by his side. Deputy Hernandez was approximately 50 feet from the suspect at this time. Deputy Levario was positioned near the hood of the green SUV.

IAB Note: Deputy Hernandez marked the direction he approached the location on foot to where he took cover behind a green SUV that was parked in front on a copy of an aerial photograph of the scene. In addition, he marked Deputies Levario, Zuniga and Sibrian's positions [EXHIBIT D, PHOTOGRAPH 1].

Deputy Hernandez did not communicate to his fellow deputies that he saw the suspect holding a gun because he believed the deputies saw the gun too. He heard one or two deputies giving the suspect commands, in both English and Spanish, to drop the gun.

Deputy Hernandez also gave the suspect one command, in Spanish, to drop the gun as he pointed his Department issued firearm at the suspect **[TRANSCRIBED INTERVIEWS, DEPUTY ARMANDO HERNANDEZ JR.'S IAB INTERVIEW, pages 13-22]**.

IAB Note: **Deputy Hernandez marked the suspect and Witness [REDACTED]'s positions on a copy of an aerial photograph of the scene [EXHIBIT D, PHOTOGRAPH 2].**

The suspect turned and looked in the direction of the deputies briefly, then turned back to Witness [REDACTED]. Deputy Hernandez believed the suspect was possibly threatening Witness [REDACTED] with a handgun, and holding him hostage. He also believed the suspect was going to shoot Witness [REDACTED]. The suspect raised the handgun waist level, and pointed it at Witness [REDACTED] as he pivoted around, and also pointed his handgun at Deputies Hernandez, Zuniga, Sibrian and Levario. Deputy Hernandez fired two or three rounds at the suspect's center mass, in succession. Deputy Hernandez stopped firing his weapon because the suspect fell to the ground, and dropped his handgun on the ground away from his hand. According to Deputy Hernandez, the deputies gave the suspect commands for 20 to 30 seconds prior to the shooting. Deputy Hernandez' shooting backdrop consisted of a structure, a white van, and Witness [REDACTED] who was standing beside the suspect. Deputy Levario was not in Deputy Hernandez' line of fire. In addition, the deputies were not in a crossfire. Deputy Hernandez was still 50 feet away from the suspect during the shooting, while Deputies Levario, Zuniga and Sibrian were approximately 30 to 40 feet from the suspect **[TRANSCRIBED INTERVIEWS, DEPUTY ARMANDO HERNANDEZ JR.'S IAB INTERVIEW, pages 20-29]**.

After the shooting, Deputy Hernandez attempted to advise, via portable radio, that a deputy involved shooting occurred, but realized he was on the wrong frequency. After he switched to the correct frequency, Deputy Zuniga was already making the notification via Century Station's dispatch channel. Deputy Hernandez advised via the dispatch channel that the suspect's gun was still at his side. In addition, he requested a shield. Deputy Levario observed the suspect, while Deputies Hernandez and Zuniga gave Witness [REDACTED] instructions to walk toward them. Witness [REDACTED] was subsequently detained, and placed in a patrol vehicle. An arrest team comprised of three to four deputies approached the suspect, and Deputy Hernandez followed. Deputy Hernandez did not recall if the deputies made their approach using a shield. One female deputy handcuffed the suspect. Since the scene was not secured, two female deputies picked the suspect up, and walked him to the Fire Department, who was staged nearby, for treatment. Deputy Hernandez directed another deputy to guard the suspect's handgun, which was still on the ground. Deputies organized a search team and looked for additional victims or suspects. Lieutenant Nathan and Sergeant Shigo arrived on scene after the shooting **[TRANSCRIBED INTERVIEWS, DEPUTY ARMANDO HERNANDEZ JR.'S IAB INTERVIEW, pages 30-37]**.

INVOLVED EMPLOYEE DEPUTY CARLOS LEVARIO JR.

On April 13, 2014, Homicide Detectives Kevin Acebedo and Phillip Martinez interviewed Deputy Levario. The interview is summarized in the Homicide Investigation Book **[EXHIBIT A, pages 11, 16 and 17]**. Following is a brief summary of the homicide interview:

Deputy Levario was working Unit 212B from [redacted] hours to [redacted] hours. He was wearing a long sleeve Class A uniform. He carried an expandable baton, handcuffs, a small flashlight, pepper spray and a Beretta 92F, 9 millimeter handgun. His Beretta was fully loaded with sixteen rounds. At 1610 hours, he responded to California and Martin Luther King Jr. Boulevard to assist the handling unit regarding a man with a gun call. The description in the call was vague, and the informant was uncooperative with desk personnel. As he arrived at the intersection from the east, he heard Deputy Hernandez communicating with Aero Bureau personnel via the radio. Deputies Hernandez, Ordonez, Zuniga and Sibrian were already at the location when Deputy Levario arrived. Aero Bureau personnel directed the deputies to the two male Hispanics who matched the description in the call. As the deputies approached, an aero deputy relayed he saw a male Hispanic with a gun in his hand. When Deputy Levario reached the rear bumper of a green Sports Utility Van (SUV) parked at the location, he saw the suspect holding a gun in his right hand. The suspect's back was toward the deputies, and Witness [redacted] was standing next to the suspect, facing the deputies. It looked like the men were arguing because Witness [redacted] had his hands up, and he looked scared **[TRANSCRIBED INTERVIEWS, DEPUTY CARLOS LEVARIO JR.'S HOMICIDE BUREAU INTERVIEW, pages 1-6, 14, 15 and 16]**.

Deputies Levario and Zuniga took positions along the fence line of the property. Deputy Levario was down on one knee by the opening of the left side of the fence, while Deputy Zuniga was to his right, on the other side of the opening. In addition, Deputy Levario believed Deputies Hernandez, Ordonez and Sibrian were also positioned along the fence. Deputy Levario ordered the suspect, in English, to drop his weapon. In addition, Deputy Hernandez or Deputy Zuniga ordered the suspect, in Spanish, to drop his weapon. The suspect failed to comply. However, the suspect turned his head and looked at the deputies, then turned back toward Witness [redacted] as the deputies repeated their commands. Witness [redacted] put his hands up and walked backward toward a van that was parked in the driveway. The suspect then raised the gun at chest level, turned toward his right, and pointed it at Witness [redacted]. Deputy Levario fired two to three rounds at the suspect because he believed the suspect was going to shoot Witness [redacted], his fellow deputies or him.

> **IAB Note:** **Homicide Investigators determined Deputy Levario fired four rounds [TRANSCRIBED INTERVIEWS, DEPUTY CARLOS LEVARIO JR.'S HOMICIDE BUREAU INTERVIEW, pages 16 and 17, and EXHIBIT A, pages 25-27]**.

The suspect fell to the ground and his gun fell nearby. The deputies ordered him not to move. The deputies ordered Witness [redacted] to get on the ground and to crawl toward them. Witness [redacted] was cooperative and Deputy Sibrian detained him. The deputies then formed a four person arrest team and approached the suspect using two shields. Deputy Levario was positioned behind the team to provide security to the east side. The suspect was handcuffed and moved out of the immediate area for medical treatment. In addition, the surrounding buildings were subsequently checked for additional suspects. Sergeant Shigo was on scene **[TRANSCRIBED INTERVIEWS, DEPUTY CARLOS LEVARIO JR.'S HOMICIDE BUREAU INTERVIEW, pages 3, 6-16]**.

On December 22, 2015, IAB Sergeants Brenda Gibson and [redacted] interviewed Deputy Levario. The interview was conducted at the IAB office. Attorney Amanda Waters from the law firm of Green & Shinee represented Deputy Levario. Following is a summary of the IAB interview:

Deputy Levario had been assigned to Century Station for over seven months at the time of this incident. However, he is currently assigned to Transit Policing Division, Transit Services Bureau Central. Deputy Levario was working Unit 212B alone and he was wearing his bullet resistant vest. He did not have a TASER, but he had Oleoresin Capsicum Pepper Spray. In addition, he had an expandable ASP baton. Deputy Levario believed his duty weapon was a Beretta 92FS, and not a Beretta 92F as previously indicated by Homicide Investigators. However, he was not sure because he currently carries a Smith and Wesson M&P, 9 millimeter handgun. The weather was clear and it was daylight during this incident. Deputy Levario assigned himself to assist with the "Man with a gun call" on Martin Luther King Jr. Boulevard and advised via the L-TAC frequency that he was responding. Deputy Hernandez was assigned to handle the call and directed units to meet east of the location. When Deputy Levario arrived on scene, Deputy Hernandez was there. Deputies Ordonez, Zuniga and Sibrian arrived afterward. The airship was also overhead **[TRANSCRIBED INTERVIEWS, DEPUTY CARLOS LEVARIO JR.'S INTERNAL AFFAIRS BUREAU INTERVIEW, pages 1-12]**.

As a [redacted] Deputy Levario worked with Deputy Ordonez in the same vehicle, and as an assisting unit. Deputies Levario and Ordonez had several discussions about how to handle a person with a gun call. He has not worked with Deputies Hernandez, Zuniga or Sibrian in the same vehicle, but he has worked with them at the station. In addition, Deputy Levario had not [redacted] with Deputies Hernandez, Sibrian, Ordonez or Zuniga. However, this type of call had been discussed during briefings. Deputy Hernandez discussed a plan on how they were going to approach the location. Deputies Levario and Ordonez were present during this discussion. Deputy Levario followed by Deputies Hernandez and Ordonez then approached the location on foot. Deputy Levario had his duty weapon un-holstered and pointed in the direction he was walking. He did not advise via radio that the team was approaching the location, but he believed Deputy Hernandez made the advisement.

Deputies Levario and Zuniga took positions at the fence line, but Deputy Levario did not know where Deputies Hernandez or Ordonez were positioned **[TRANSCRIBED INTERVIEWS, DEPUTY CARLOS LEVARIO JR.'S INTERNAL AFFAIRS BUREAU INTERVIEW, pages 1-12]**.

IAB Note: Deputy Levario marked the area he parked the patrol vehicle on a copy of an aerial photograph of the scene. In addition, he marked the direction he, along with Deputies Hernandez and Ordonez, approached the location on foot to where he stopped along the fence. He also marked Deputy Zuniga's position, as well as the suspect's, and Witness [REDACTED]s positions [EXHIBIT E, PHOTOGRAPH 1].

Deputy Levario was approximately 20 feet away from the suspect when he saw him holding a gun, with his right hand, in a downward direction. The suspect was standing approximately one foot away from Witness [REDACTED], who was standing with his hands down by his side. Based on Witness [REDACTED]s posture, Deputy Levario believed he was scared. Although, Deputy Levario barely heard the suspect talking, he believed the two men were involved in an argument. Deputy Levario announced to the team that the suspect had a gun then ordered the suspect twice, in English, to drop the gun. In addition, he believed the entire team ordered the suspect to drop his weapon, and someone also gave orders in Spanish. The suspect turned his head and glanced at the deputies. Deputy Levario did not have cover or concealment at the time, but he was down on one knee, and his weapon was pointed at the suspect. The suspect turned again, looked at the deputies, raised his gun, and turned his body around. The suspect then pointed his weapon at Witness [REDACTED]s chest. Witness [REDACTED] raised his hands to chest level, with his palms facing out, and backed away from the suspect. Deputy Levario fired his Department issued duty weapon two to three times at the suspect's "center mass," using sight alignment. He fired at the suspect because he believed the suspect was going to shoot Witness [REDACTED], fellow deputies or him. Deputy Levario stopped firing when the suspect fell to the ground. He said the shooting incident rapidly evolved and occurred within a couple of seconds. He did not hear or see anyone else fire at the suspect. Deputy Levario's shooting backdrop consisted of garages, and he was not in a crossfire with fellow deputies. The suspect fell to the ground onto his left side with his right arm extended outward. The suspect's handgun fell one to two feet away from his right hand. Deputy Levario continuously ordered the suspect to stop moving as he held him at gunpoint until the arrest team approached **[TRANSCRIBED INTERVIEWS, DEPUTY CARLOS LEVARIO JR.'S INTERNAL AFFAIRS BUREAU INTERVIEW, pages 13-21 and 27]**.

Deputy Galaviz arrived on scene after the shooting, and advised via the radio that a deputy involved shooting occurred. Sergeant Shigo also arrived on scene after the shooting. The arrest team approached using one shield as cover, and deputies handcuffed the suspect. The arrest team of deputies then moved the suspect out of the area to paramedics that were waiting nearby.

Deputy Levario assisted other deputies with checking the surrounding buildings for additional suspects or victims **[TRANSCRIBED INTERVIEWS, DEPUTY CARLOS LEVARIO JR.'S INTERNAL AFFAIRS BUREAU INTERVIEW, pages 22-27]**.

WITNESS EMPLOYEE DEPUTY WILSON A. ORDONEZ JR.

On April 14, 2014, Homicide Detectives Kevin Acebedo and Phillip Martinez interviewed Deputy Ordonez. IAB Sergeants Brenda Gibson and Romeo Ingreso were also present. In addition, Attorney Leslie Wilcox from the law firm of Green & Shinee was present representing Deputy Ordonez. The interview is summarized in the Homicide Investigation Book **[EXHIBIT A, pages 18 and 19]**. In addition, Witness Ordonez authored a Supplemental Report regarding this incident **[EXHIBIT A, pages 38 and 39]**. Following is a brief summary of the homicide interview:

Deputy Ordonez was working Unit 212B1 alone from [redacted] hours to [redacted] hours. The second half of his shift was a trade. At approximately 1530 hours, he responded to Martin Luther King Jr. Boulevard regarding a man with a gun call. The suspect was described as a male Hispanic, 45 years old, wearing all black, waving a handgun in front of the informant's home. When Deputy Ordonez arrived at the location from the east, Deputies Hernandez, Levario, Zuniga, and Sibrian were already at the location on the southwest corner of Martin Luther King Jr. Boulevard and California Avenue. Deputy Ordonez exited his patrol vehicle and joined the deputies. Based on the nature of the call, Deputy Ordonez believed they had to locate the suspect quickly. When the deputies approached the location, Deputy Ordonez was behind two other deputies. He then separated from the deputies and took a position to the east, behind a white GMC conversion van. The other deputies took positions behind a green Sports Utility Vehicle (SUV) that was parked facing south, and two vehicles west of where Deputy Ordonez was positioned **[TRANSCRIBED INTERVIEWS, DEPUTY WILSON A. ORDONEZ' HOMICIDE BUREAU INTERVIEW, pages 1-3 and 30]**.

Deputy Ordonez saw the suspect and Witness [redacted] standing two feet from each other in the courtyard, next to a white van. Deputy Ordonez was 65 to 70 feet away from the suspect. However, Deputy Ordonez believed the men were arguing because Witness [redacted] kept raising his hands as the suspect aggressively waved his left hand in the air. Deputy Ordonez saw an object in the suspect's right hand, which was down by his thigh, then heard deputies yelling, "Drop the gun! Drop the gun!" He also heard the word gun in Spanish. When the suspect turned to his right to look in the direction of the deputies, Deputy Ordonez recognized the item in his right hand as a handgun. The suspect then turned to his left, which was back in the direction of Witness [redacted] Witness [redacted] backed away from the suspect to the white van and held his hands up the entire time. The suspect then moved his hand up and pointed the gun at Witness [redacted]. He then continued to turn toward his right where he pointed the gun at the deputies positioned near the green SUV. Deputy Ordonez heard five or six gunshots followed by emergency radio traffic. Deputies continued to order the suspect to drop the gun. The suspect lowered the gun to his side, and fell down onto his knees. He then slowly fell down onto the ground, and dropped the gun.

Deputies continued giving commands to both the suspect and Witness [redacted]. Witness [redacted] complied with the commands and was subsequently escorted to a patrol vehicle. Deputy Ordonez continued holding the suspect at gunpoint, while deputies requested paramedics, additional deputies and a sergeant to the scene. Paramedics responded and waited west of the location in front of a liquor store driveway **[TRANSCRIBED INTERVIEWS, DEPUTY WILSON A. ORDONEZ' HOMICIDE BUREAU INTERVIEW, pages 4-10]**.

On January 7, 2016, IAB Sergeants Brenda Gibson and David Ladjevic interviewed Deputy Ordonez. The interview was conducted at the IAB office. Attorney Amanda Waters from the law firm of Green & Shinee represented Deputy Ordonez during the interview. Following is a summary of the IAB interview:

Deputy Ordonez has been employed by the Los Angeles County Sheriff's Department for almost ten years. He was previously assigned to [redacted] and [redacted]. At the time of this incident, he had been assigned to Century Station for six to eight months. During this incident, Deputy Ordonez was working Unit 212B1 alone. The incident occurred during daylight and the weather was clear. Deputy Ordonez was wearing a Class A uniform with his bullet resistant vest. Deputy Ordonez' duty weapon was a Beretta 92FS, 9 millimeter handgun, and he did not have a light attached. He had three magazines fully loaded with fifteen rounds each, plus one round in the chamber of his Beretta. In addition, he carried Oleoresin Capsicum Pepper Spray, two pairs of handcuffs, an expandable baton and a flashlight. Deputy Ordonez did not have a TASER, and he did not recall if he had a bean bag shotgun in the trunk. Deputy Ordonez has worked in the same unit with Deputy Levario, but they did not have discussions about how to handle a person with a gun call. In addition, he has worked on the same shift as Deputies Hernandez, Zuniga and Sibrian, and they have attended briefings where this type of incident was discussed **[TRANSCRIBED INTERVIEWS, DEPUTY WILSON A. ORDONEZ' INTERNAL AFFAIRS BUREAU INTERVIEW, pages 2-5, 22 and 23]**.

Deputy Ordonez was assigned to assist Deputy Hernandez regarding a "Man with a gun" call. Deputy Hernandez coordinated the call over the L-TAC frequency, and instructed units to meet at the corner of California Avenue and Martin Luther King Jr. Boulevard. Deputy Ordonez arrived on scene within three minutes of receiving the call, and updated his status via his Mobile Digital Computer. Deputies Hernandez, Levario, Zuniga and Sibrian were already on scene when he arrived. Deputy Hernandez directed the airship to fly over the location to advise the ground units of the suspect's location. An Aero Bureau deputy directed the deputies to the suspect. Deputies Levario and Hernandez were in front of Deputy Ordonez, but he did not recall which deputy was in the number one position. He also did not recall if any deputies were behind him when they approached. Deputy Ordonez had his gun un-holstered and pointed down near his waist. Deputies Levario and Hernandez also had their guns un-holstered. Deputy Ordonez did not recall if anyone was assigned to use less-lethal weapons or designated to talk on the radio.

However, during their approach, they were informed that Dispatch received a second emergency call confirming a man with a gun was at the location. An Aero Bureau deputy also confirmed the suspect had a gun. Deputy Ordonez saw an object in the suspect's right hand and believed it was a gun. The suspect's back was toward Deputy Ordonez. Deputy Ordonez took a position behind the engine block of a white conversion van that was parked in front of the location. Deputies Zuniga, Hernandez, Levario and Sibrian took positions west of Deputy Ordonez. Deputy Ordonez was approximately 60 feet from the suspect and believed his fellow deputies were about 40 feet from the suspect **[TRANSCRIBED INTERVIEWS, DEPUTY WILSON A. ORDONEZ' INTERNAL AFFAIRS BUREAU INTERVIEW, pages 5-16 and 30]**.

IAB Note: **Deputy Ordonez marked the direction he, along with Deputies Hernandez and Levario, approached the location on foot, on a copy of an aerial photograph of the scene. In addition, he marked his position, the general area his fellow deputies were positioned, and the suspect's and Witness [REDACTED]'s positions [EXHIBIT F].**

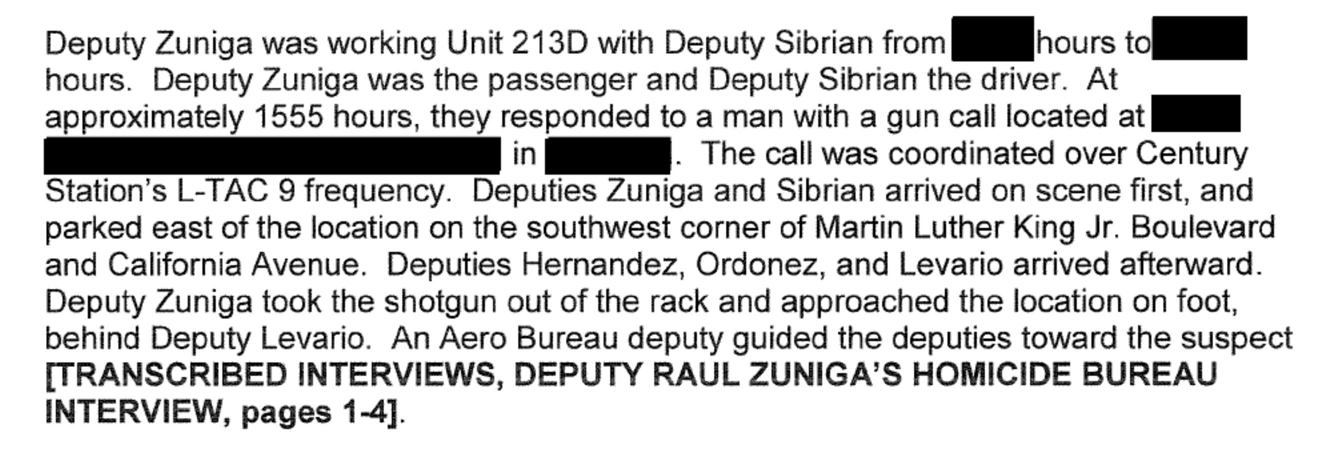
Deputies gave four or five repetitive commands to the suspect to drop the gun. He also heard the word gun announced in Spanish. The suspect turned toward the deputies when they were yelling at him; then he turned back toward Witness [REDACTED], who held his hands up near his chest the entire time. The suspect held the gun around his waist area, but Deputy Ordonez could not see where the muzzle of the gun was pointed. The suspect then turned toward the deputies a second time, still with the gun in his right hand. Deputy Ordonez believed the suspect was going to shoot Witness [REDACTED] and Deputies Levario, Hernandez and Zuniga. However, he did not shoot the suspect because Witness [REDACTED] was in his line of fire. Approximately five or ten seconds later, Deputy Ordonez heard five to six gunshots coming from his right side. However, he did not see who actually shot the suspect. The suspect turned back toward Witness [REDACTED] then fell to the ground, and dropped his gun, which fell within his reach. Witness [REDACTED] ran toward the deputies with his hands up **[TRANSCRIBED INTERVIEWS, DEPUTY WILSON A. ORDONEZ' INTERNAL AFFAIRS BUREAU INTERVIEW, pages 16-23 and 31]**.

Deputy Ordonez heard emergency traffic broadcast over the Dispatch channel. Paramedics were also summoned. Sergeant Shigo and Lieutenant Nathan responded to the scene after the shooting. An arrest team consisting of four deputies responded to the location. As assisting deputies provided cover, the arrest team approached the suspect using shields, and handcuffed him. The suspect's gun was also secured. In order to secure the area, the arrest team dragged the suspect out of the courtyard. Deputy Ordonez and another deputy then carried the suspect approximately 25 feet to paramedics for treatment. The suspect was moved a total of 60 to 70 feet **[TRANSCRIBED INTERVIEWS, DEPUTY WILSON A. ORDONEZ' INTERNAL AFFAIRS BUREAU INTERVIEW, pages 20-31]**.

IAB Note: **Deputy Ordonez marked an "A" to indicate the area he and another deputy carried the suspect to the ambulance, on a copy of an aerial photograph of the scene. In addition, he marked three "C's" to indicate the residences the search team cleared [EXHIBIT F].**

WITNESS EMPLOYEE DEPUTY RAUL ZUNIGA

On April 14, 2014, Homicide Detectives Kevin Acebedo and Phillip Martinez interviewed Deputy Zuniga. IAB Sergeants Brenda Gibson and Romeo Ingreso were also present. In addition, Attorney Leslie Wilcox from the law firm of Green & Shinee was present representing Deputy Zuniga. The interview is summarized in the Homicide Investigation Book **[EXHIBIT A, pages 17 and 18]**. In addition, Witness Zuniga authored two Supplemental Reports regarding this incident **[EXHIBIT A, pages 38 and 39, and MISCELLANEOUS DOCUMENTS]**. Following is a brief summary of the homicide interview:



Deputy Zuniga was working Unit 213D with Deputy Sibrian from hours to hours. Deputy Zuniga was the passenger and Deputy Sibrian the driver. At approximately 1555 hours, they responded to a man with a gun call located at in . The call was coordinated over Century Station's L-TAC 9 frequency. Deputies Zuniga and Sibrian arrived on scene first, and parked east of the location on the southwest corner of Martin Luther King Jr. Boulevard and California Avenue. Deputies Hernandez, Ordonez, and Levario arrived afterward. Deputy Zuniga took the shotgun out of the rack and approached the location on foot, behind Deputy Levario. An Aero Bureau deputy guided the deputies toward the suspect **[TRANSCRIBED INTERVIEWS, DEPUTY RAUL ZUNIGA'S HOMICIDE BUREAU INTERVIEW, pages 1-4]**.

As Deputy Zuniga reached the center of the driveway, he saw the suspect waving a silver semi-automatic pistol in his right hand. The suspect's back was toward Deputy Zuniga, and the suspect was waving the pistol near his face. The suspect and Witness were facing each other and standing one to two feet apart. Deputy Zuniga heard the suspect yelling at Witness . Another deputy stated aloud that the suspect had a gun. Witness leaned to his right and looked in the direction of the deputies. Deputy Zuniga ordered the suspect, in Spanish, to drop the gun and other deputies ordered the suspect, in English, to drop the gun. The suspect looked back to his right, in the direction of the deputies, while pointing his gun forward. Deputy Zuniga moved to the right side of the driveway, along the fence surrounding the courtyard. Deputies Levario and Hernandez also moved forward and stopped at the metal wrought iron gate. Deputy Zuniga went down on one knee, and took cover behind a metal pole and some bushes, while Deputy Sibrian sought cover elsewhere. Deputy Zuniga was 15 to 20 feet away from the suspect. The suspect turned back toward Witness , who had moved to the suspect's right when the suspect turned away from him. The suspect then turned to his right and pointed the gun at Witness . Deputy Zuniga heard gunshots and the suspect fell to the ground.

The suspect's gun also fell to the ground within his reach, and he was still moving. Deputy Zuniga heard a deputy advise via radio that a deputy involved shooting occurred. Deputy Zuniga then requested a shield via radio. Sergeants Barreras and Shigo arrived on scene. Assisting deputies formed an arrest team and devised a plan to approach **[TRANSCRIBED INTERVIEWS, DEPUTY RAUL ZUNIGA'S HOMICIDE BUREAU INTERVIEW, pages 5-15]**.

On December 22, 2015, IAB Sergeants Brenda Gibson and [REDACTED] interviewed Deputy Zuniga. The interview was conducted at the IAB office. Attorney Amanda Waters from the law firm of Green & Shinee represented Deputy Zuniga during the interview. Following is a summary of the IAB interview:

Deputies Zuniga and Sibrian were working Unit 213D during this incident. Deputy Sibrian was the driver and Deputy Zuniga the passenger. The incident occurred during daylight and the weather was clear. Deputy Zuniga was wearing a Class A uniform with his bullet resistant vest. He carried a Department issued Beretta 92F, 9 millimeter pistol with one round in the chamber, and four magazines fully loaded with 15 rounds each. He also carried Oleoresin Capsicum Pepper Spray, an expandable baton, portable radio, two pairs of handcuffs and a small flashlight. In addition, he had a TASER in the patrol vehicle and a bean bag shotgun in the trunk. Deputies Zuniga and Sibrian responded to [REDACTED] in [REDACTED] to assist Deputy Hernandez with a "Man with a gun call." Deputy Hernandez coordinated the call, but during his Internal Affairs Bureau interview, Deputy Zuniga did not recall the specific instructions Deputy Hernandez gave him **[TRANSCRIBED INTERVIEWS, DEPUTY RAUL ZUNIGA'S INTERNAL AFFAIRS BUREAU INTERVIEW, pages 1-6 and 22]**.

Deputies Zuniga and Sibrian arrived at the location within one minute. Deputy Zuniga advised via the Dispatch 4 frequency that they were on scene. Deputy Sibrian parked the patrol vehicle east of the location along the south curb line of Martin Luther King Jr. Boulevard. Deputies Hernandez, Ordonez and Levario arrived on scene and parked behind Deputies Zuniga and Sibrian. Deputies Zuniga and Sibrian worked together for several months prior to this incident and they discussed daily how to handle this type of call. Deputy Zuniga also worked with Deputy Hernandez for five years, and trained with Deputies Sibrian, and Hernandez often. In addition, Deputy Zuniga attended many briefings in which this type of call was discussed. Deputy Zuniga retrieved the shotgun and exited the patrol vehicle. The deputies did not have a discussion prior to approaching the location because they were trying to locate the suspect. However, Deputy Zuniga believed Deputy Hernandez assigned the deputies tasks. An airship was on scene and guided the deputies to the suspect. Deputy Zuniga approached the location approximately five feet behind Deputy Levario with the shotgun in the low ready position. He heard Deputies Sibrian, Hernandez and Ordonez behind him, but his attention was focused forward **[TRANSCRIBED INTERVIEWS, DEPUTY RAUL ZUNIGA'S INTERNAL AFFAIRS BUREAU INTERVIEW, pages 4 and 7-12]**.

IAB Note: **Deputy Zuniga marked the area Deputy Sibrian parked the patrol vehicle, on a copy of an aerial photograph of the scene. In addition, Deputy Zuniga marked the direction he, along with Deputies Levario, Sibrian, Hernandez and Ordonez, approached the location on foot [EXHIBIT G, PHOTOGRAPH 1].**

When Deputy Zuniga first saw the suspect, he was holding a stainless steel semi-automatic handgun in his right hand, facing south, which was pointed away from the deputies. Witness [REDACTED] was standing directly in front of the suspect, and facing north. The two men were arguing, and the suspect was waving the gun in a threatening manner with his arm bent at a 90 degree angle. Since the airship was above, Deputy Zuniga did not hear what the men were arguing about. As the deputies moved forward toward the men, Witness [REDACTED] leaned and looked over the suspect's shoulder in their direction. The suspect then turned and glanced at the deputies, but was not concerned that deputies were present. Deputy Zuniga took a position west of the gate opening, and was 15 to 20 feet away from the suspect. Deputy Levario took a position east of the opening. In addition, Deputy Hernandez was also positioned on the east side, but behind Deputy Levario.

IAB Note: **Deputy Zuniga marked the area he saw the suspect and Witness [REDACTED] standing prior to the shooting, on a copy of an aerial photograph of the scene,. This area is depicted by a red circle. In addition, Deputy Zuniga marked his position as well as Deputies Levario and Hernandez' positions prior to the shooting. Deputy Zuniga's position is depicted by a green circle [EXHIBIT G, PHOTOGRAPH 2].**

Witness [REDACTED] put his hands up, moved out of the way, and put his back against a van that was parked in the courtyard. Deputy Zuniga did not know where the suspect was pointing his gun when he glanced in the deputies' direction because he was looking at the suspect's face. Deputies Levario and Hernandez ordered the suspect in English and Spanish to drop the gun, and to get on the ground. Deputy Zuniga also ordered the suspect, in Spanish, to put the gun down, and to put his hands up. The suspect failed to comply and turned back toward where he last saw Witness [REDACTED]. The suspect then turned right and pointed the handgun at Witness [REDACTED]. Deputy Zuniga believed the suspect was going to shoot Witness [REDACTED] and prepared to shoot the suspect. However, Deputy Zuniga heard three to five gunshots then saw the suspect drop the gun, and fall to the ground. He then realized Deputies Levario and Hernandez had shot the suspect. The victim was subsequently directed to walk toward the deputies and out of the scene. According to Deputy Zuniga, a ride-a-long deputy advised via the Dispatch 4 frequency a deputy involved shooting occurred. Deputy Zuniga requested a sergeant, a shield, and an arrest team to the scene via his radio. He then held the suspect at gunpoint until the arrest team approached the suspect **[TRANSCRIBED INTERVIEWS, DEPUTY RAUL ZUNIGA'S INTERNAL AFFAIRS BUREAU INTERVIEW, pages 13-29]**.

WITNESS EMPLOYEE DEPUTY ERIK O. SIBRIAN

On April 14, 2014, Homicide Detectives Kevin Acebedo and Phillip Martinez interviewed Deputy Sibrian. IAB Sergeants Brenda Gibson and Romeo Ingreso were also present. In addition, Attorney Leslie Wilcox from the law firm of Green & Shinee was present representing Deputy Sibrian. The interview is summarized in the Homicide Investigation Book **[EXHIBIT A, pages 19 and 20]**. In addition, Witness Sibrian authored a Supplemental Report regarding this incident **[EXHIBIT A, page 41]**. Following is a brief summary of the homicide interview:

Deputy Sibrian was working Unit 213D with Deputy Zuniga. Deputy Sibrian was the "bookman," when they responded to the location regarding a man with a gun call. The deputies initially passed the location, but the airship was overhead, and directed the deputies to the area the suspect was seen. Two other deputies were also on scene. Deputy Sibrian approached the location with his gun un-holstered alongside Deputy Zuniga. Additional deputies were behind them. As the deputies walked down the driveway, Deputy Sibrian saw the suspect holding a silver semi-automatic handgun in his left hand. The suspect held the gun down by his side as he argued with Witness [redacted]. Deputies announced aloud that the suspect had a gun, followed by several commands for the suspect to put the gun down. The commands were given in English and Spanish. Deputies Zuniga and Sibrian sought positions on the west side of the property. Deputy Sibrian was unable to seek additional cover on the west side and immediately walked to the east side of the property to seek cover. However, since two deputies were already positioned on the east side, Deputy Sibrian walked backward to find another position. As he walked around a car that was parked in front of the location, he heard four or five gunshots. Deputy Sibrian then returned to the position he saw the two deputies positioned, and saw Witness [redacted] walking in their direction as directed. Deputy Sibrian handcuffed Witness [redacted], but removed the handcuffs once he established Witness [redacted] was the victim **[TRANSCRIBED INTERVIEWS, DEPUTY ERIK O. SIBRIAN'S HOMICIDE BUREAU INTERVIEW, pages 1-7]**.

On December 22, 2015, IAB Sergeants Brenda Gibson and [redacted] interviewed Deputy Sibrian. The interview was conducted at the IAB office. Attorney Amanda Waters from the law firm of Green & Shinee represented Deputy Sibrian during the interview. The following is a summary of the IAB interview:

Deputies Sibrian and Zuniga were working Unit 213D during this incident. During his interview with Homicide Investigators, Deputy Sibrian stated he was the "bookman" in the vehicle. However, after he reviewed his log he realized he was the driver. His uniform attire consisted of a Class A uniform with a bullet resistant vest. His duty weapon was a Beretta 92F, 9 millimeter pistol with a light attached. The weapon was fully loaded with sixteen rounds of ammunition. In addition, he carried three magazines with fifteen rounds of ammunition in each. Deputy Sibrian also carried an expandable baton. He did not have a TASER. He did not recall if they had a bean bag shotgun in the trunk of the patrol vehicle.

Deputies Sibrian and Zuniga responded to [redacted], in Lynwood, to assist Deputy Hernandez regarding a man with a gun call. Deputy Sibrian has worked with Deputy Zuniga for over a year, and they have discussed how to handle this type of call. However, Deputy Sibrian did not recall if they actually talked about a plan while en route to the location. Deputy Hernandez coordinated the call over the L-TAC frequency. Deputies Sibrian and Zuniga arrived on scene within three to four minutes, and parked east of the location. Additional patrol vehicles were in the area when they arrived. Deputies Sibrian and Zuniga exited the patrol vehicle and walked side by side down the driveway, as directed by the airship above. Deputy Sibrian had his weapon un-holstered, but he did not recall if Deputy Zuniga had his weapon un-holstered. Deputy Sibrian did not recall seeing any other deputies in front or behind them. In addition, Deputies Sibrian and Zuniga did not have cover or concealment when they approached the location **[TRANSCRIBED INTERVIEWS, DEPUTY ERIK O. SIBRIAN'S INTERNAL AFFAIRS BUREAU INTERVIEW, pages 2-12]**.

IAB Note: Deputy Sibrian marked the area he parked the patrol vehicle, on a copy of an aerial photograph of the scene. In addition, Deputy Sibrian marked the direction he and Deputy Zuniga approached the location on foot [EXHIBIT H, PHOTOGRAPH 1].

Deputy Sibrian was approximately 30 feet away from the suspect when he saw him holding a silver semi-automatic handgun in his left hand, down by his left side. The suspect was facing east with his left side toward Deputy Sibrian. The suspect appeared to be involved in an argument with Witness [redacted], who was standing two feet in front of the suspect.

IAB Note: Deputy Sibrian marked the area he saw the suspect and Witness [redacted] standing on a copy of a photograph of the scene [EXHIBIT H, PHOTOGRAPH 2].

Deputies Sibrian and Zuniga announced to each other that the suspect had a gun. Deputy Sibrian then heard English and Spanish commands given to the suspect to put the gun down. He was not sure if just one deputy or more than one deputy gave the commands. Deputy Zuniga took a position on the west side of the driveway, while Deputy Sibrian walked to the east side of the driveway to seek cover. Since Deputy Sibrian saw two deputies positioned near the front of a green Sports Utility Vehicle (SUV), he walked backward and took a position behind the rear bumper of the SUV. He walked backward because he wanted to keep his eyes on the suspect. As he walked around the vehicle, Deputy Sibrian heard four to five gunshots. After the shooting, he returned to the front of the green SUV and saw the suspect down on the ground. Assisting units held the suspect at gunpoint. In addition, deputies yelled commands in English and Spanish to Witness [redacted]. Deputy Sibrian also heard two different voices advise via the radio that a deputy involved shooting occurred. Deputy Sibrian subsequently handcuffed Witness [redacted] and escorted him to the patrol vehicle he drove. Deputy Sibrian searched Witness [redacted] then sat him in the driver's side back seat of the vehicle.

Deputy Sibrian remained at the vehicle with Witness [REDACTED] Paramedics and two sergeants responded to the scene **[TRANSCRIBED INTERVIEWS, DEPUTY ERIK O. SIBRIAN'S INTERNAL AFFAIRS BUREAU INTERVIEW, pages 10 and 12-22]**.

WITNESS DEPUTY FEDERICO J. CARLO II

On April 14, 2014, Homicide Detectives Kevin Acebedo and Phillip Martinez interviewed Deputy Carlo. The interview is summarized in the Homicide Investigation Book **[EXHIBIT A, pages 20 and 21]**. Following is a brief summary of the homicide interview:

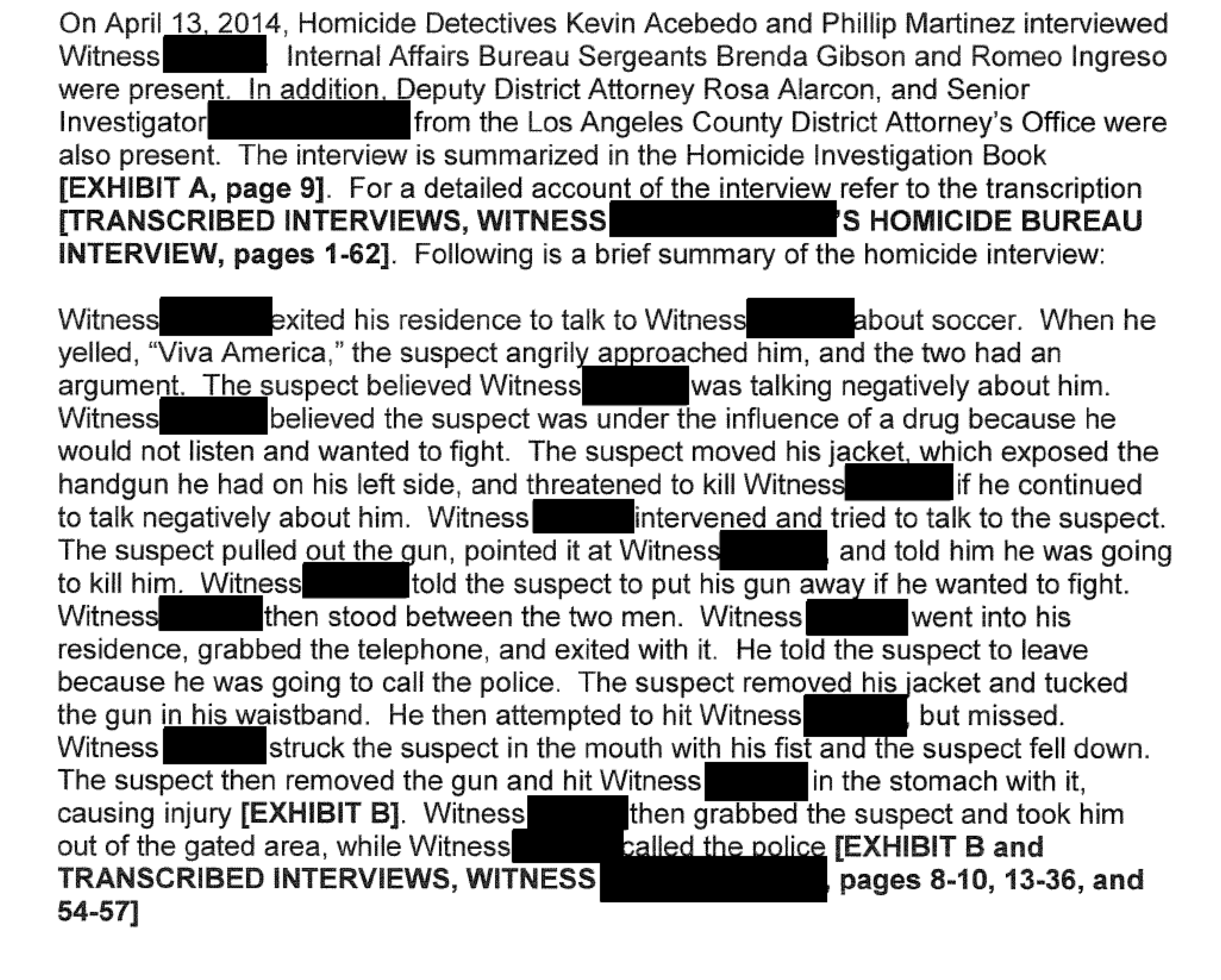
Deputy Carlo has been assigned to the Los Angeles County Sheriff's Department's Aero Bureau for two months. During this incident, he was working Unit Air 22. Deputy Carlo was the tactical flight deputy and Deputy Charles L. Gonzalez was his pilot. The deputies were responsible for all locations west of the 710 Freeway. The deputies responded to a man with a gun call in the [REDACTED] [REDACTED] Deputy Carlo recalled that the caller stated the person with the gun was a male Hispanic wearing all black clothing. When the deputies arrived overhead, Deputy Carlo saw a red building, which appeared to be a Mexican Restaurant located one property west of California Avenue. There was a door on the east side of the building that had a sidewalk leading to the door. Deputy Carlo saw the suspect standing in the doorway. In addition, Deputy Carlo saw a male Hispanic standing next to the suspect, but lost sight of the man, and did not see him again. The suspect exited that location and approached Witness [REDACTED] who raised his hands up, and backed away from the suspect. After Deputy Carlo relayed this information to the responding ground units, he scanned the area to look for the units **[TRANSCRIBED INTERVIEWS, DEPUTY FEDERICO J. CARLO II'S HOMICIDE BUREAU INTERVIEW, pages 1-3 AND 5]**.

Deputy Carlo saw one unit travel eastbound on Martin Luther King Jr. Boulevard past the location to California Avenue. Deputy Carlo directed that unit back to the location. Additional deputies arrived on scene and approached the location. Deputy Carlo was looking at the suspect through his binoculars and had a limited field of view. He did not see the deputies' approach. However, Deputy Carlo saw the suspect with a stainless steel or chrome handgun with a black grip, in his right hand. He then advised via the L-TAC frequency that the suspect had a gun. Almost simultaneously, Deputy Carlo saw the suspect throw the gun to the west, which landed near a white van. The suspect then "calmly laid down." Deputy Carlo heard ground units broadcast a deputy involved shooting occurred and that is when he realized a shooting had occurred. Within two minutes, Deputy Carlo saw deputies approach the suspect behind shields, take him into custody, and request paramedics. Deputies Carlo and Gonzalez then left the location because they were low in fuel. As they were leaving, paramedics were arriving on scene **[TRANSCRIBED INTERVIEWS, DEPUTY FEDERICO J. CARLO II'S HOMICIDE BUREAU INTERVIEW, pages 3-5]**.

WITNESS DEPUTY CHARLES L. GONZALEZ

On May 23, 2014, Homicide Detectives Kevin Acebedo and Phillip Martinez interviewed Deputy Gonzalez. The interview is summarized in the Homicide Investigation Book **[EXHIBIT A, page 22]**. Following is a brief summary of the homicide interview:

Deputy Gonzalez has been a pilot for the Los Angeles County Sheriff's Department's Aero Bureau for five years. He and Deputy Carlo responded to the location regarding a man with a gun call. When they arrived overhead, Deputy Carlo saw the suspect and pointed him out to Deputy Gonzalez. Deputy Gonzalez saw the suspect then immediately put the airship in an orbit. His responsibility was to fly the helicopter and to monitor aviation traffic. He did not witness the shooting **[TRANSCRIBED INTERVIEWS, DEPUTY CHARLES L. GONZALEZ' HOMICIDE BUREAU INTERVIEW, pages 1-3]**.



WITNESS

On April 13, 2014, Homicide Detectives Kevin Acebedo and Phillip Martinez interviewed Witness . Internal Affairs Bureau Sergeants Brenda Gibson and Romeo Ingreso were present. In addition, Deputy District Attorney Rosa Alarcon, and Senior Investigator from the Los Angeles County District Attorney's Office were also present. The interview is summarized in the Homicide Investigation Book **[EXHIBIT A, page 9]**. For a detailed account of the interview refer to the transcription **[TRANSCRIBED INTERVIEWS, WITNESS 'S HOMICIDE BUREAU INTERVIEW, pages 1-62]**. Following is a brief summary of the homicide interview:

Witness exited his residence to talk to Witness about soccer. When he yelled, "Viva America," the suspect angrily approached him, and the two had an argument. The suspect believed Witness was talking negatively about him. Witness believed the suspect was under the influence of a drug because he would not listen and wanted to fight. The suspect moved his jacket, which exposed the handgun he had on his left side, and threatened to kill Witness if he continued to talk negatively about him. Witness intervened and tried to talk to the suspect. The suspect pulled out the gun, pointed it at Witness , and told him he was going to kill him. Witness told the suspect to put his gun away if he wanted to fight. Witness then stood between the two men. Witness went into his residence, grabbed the telephone, and exited with it. He told the suspect to leave because he was going to call the police. The suspect removed his jacket and tucked the gun in his waistband. He then attempted to hit Witness , but missed. Witness struck the suspect in the mouth with his fist and the suspect fell down. The suspect then removed the gun and hit Witness in the stomach with it, causing injury **[EXHIBIT B]**. Witness then grabbed the suspect and took him out of the gated area, while Witness called the police **[EXHIBIT B and TRANSCRIBED INTERVIEWS, WITNESS , pages 8-10, 13-36, and 54-57]**

The suspect returned to the location after the helicopter was overhead. The suspect pointed the gun at the helicopter then he followed Witness [redacted] around the courtyard. Witness [redacted] exited his residence and asked the suspect why he was fighting with Witness [redacted]. The suspect pointed the gun at Witness [redacted] and asked if he wanted to die with him. Witness [redacted] returned to his residence **[TRANSCRIBED INTERVIEWS, WITNESS [redacted], pages 37-42 and 59]**.

The suspect was standing in front of Witness [redacted] and pointing the gun at him when the deputies arrived. Witness [redacted] saw approximately six deputies approaching the location with their guns in their hands. The deputies ordered the men, in English and in Spanish, to put their hands up. Witness [redacted] put his hands up and moved toward his white van, which was parked in front of the location. The suspect continued holding the gun in his right hand. The deputies ordered Witness [redacted] to walk backward toward them, then they ordered the men to get down on the ground. The suspect remained standing. Witness [redacted] walked toward the deputies then heard three gun shots. Witness [redacted] went down to the ground behind his van. The suspect fell to the ground and the gun fell next to him. Witness [redacted] did not see the suspect point the gun at the deputies because he was behind the suspect **[TRANSCRIBED INTERVIEWS, WITNESS [redacted], pages 43-46 and 50-53]**.

WITNESS [redacted]

On April 13, 2014, Homicide Detectives Kevin Acebedo and Phillip Martinez interviewed Witness [redacted]. Internal Affairs Bureau Sergeants Brenda Gibson and Romeo Ingreso were present. In addition, Deputy [redacted] assigned to Century Station was present as an interpreter. The interview is summarized in the Homicide Investigation Book **[EXHIBIT A, page 10]**. For a detailed account of the interview, refer to the transcription **[TRANSCRIBED INTERVIEWS, WITNESS [redacted], pages 1-37]**. Following is a brief summary of the homicide interview:

Witness [redacted] was sitting on his porch when he heard Witness [redacted] and the suspect arguing near Witness [redacted]'s residence. Witness [redacted] went to intervene. The suspect pulled out a gun, put the barrel of the gun on Witness [redacted]'s stomach, and pushed him with it. The suspect then put the gun away and fought with Witness [redacted]. Witness [redacted] grabbed the suspect and separated him from Witness [redacted], who told the suspect he did not want to fight. Witness [redacted] believed the suspect was intoxicated because he smelled the odor of an alcoholic beverage. As Witness [redacted] escorted the suspect to his own residence, Witness [redacted] called 9-1-1. Witness [redacted] left the suspect's residence and went home. Witness [redacted] then heard the helicopter overhead followed by gunshots. He did not hear the deputies give commands to the suspect and he did not witness the shooting **[TRANSCRIBED INTERVIEWS, WITNESS [redacted], pages 7-13, 15-23, 26, 27, 32-37]**.

WITNESS

On April 13, 2014, Homicide Detectives Kevin Acebedo and Phillip Martinez interviewed Witness . Internal Affairs Bureau Sergeants Brenda Gibson and Romeo Ingreso were present. In addition, Deputy District Attorney Rosa Alarcon, and Senior Investigator from the Los Angeles County District Attorney's Office were also present. The interview is summarized in the Homicide Investigation Book **[EXHIBIT A, page 10]**. For a detailed account of the interview, refer to the transcription **[TRANSCRIBED INTERVIEWS, WITNESS , pages 1-41]**. Following is a brief summary of the homicide interview:

Witness was inside his residence when he heard screams. He opened the door and saw Witness arguing with the suspect. When he inquired, in Spanish, what the problem was, the suspect told him to go inside. When Witness asked the suspect if he had a problem, the suspect pulled a gun from his left rear waistband with his left hand. The suspect then put the gun on Witness s face and asked him if he wanted to die with him. Witness then called 9-1-1 via his cellular telephone **[EXHIBIT B]**. While on the phone with the 9-1-1 operation, he heard the helicopter above. Witness then went inside his residence and locked the door **[TRANSCRIBED INTERVIEWS, WITNESS , pages 13, 16, 17, 18, 19, 20, 21, 31 and 35]**.

When Witness heard loud voices, he opened his door and saw three deputies outside. The suspect still had his gun out. Witness heard a deputy announce aloud that he had the suspect in his sights then he heard three gun shots. The suspect fell to the ground. Witness saw the suspect turn, but he did not see the suspect point his gun at the deputies because his view was obstructed. He also did not hear the deputies give commands to the suspect prior to the shooting **[TRANSCRIBED INTERVIEWS, WITNESS , pages 23, 24, 25, 29 and 39]**.

SUSPECT AGUSTIN JAIME HERNANDEZ

On January 4, 2016, Internal Affairs Bureau Sergeant Louis Vigil conducted a telephone interview of Suspect Hernandez. Suspect Hernandez is currently housed at the California City Correctional Facility located at 22844 Virginia Boulevard in California City. His California Department of Corrections Record Number is AU4514. Suspect Hernandez agreed to talk to Sergeant Vigil about this incident. Suspect Hernandez said before the deputies arrived, he had an argument with a neighbor about parking spots. The neighbor hit him, causing him to fall back and hit his head. As a result, he did not recall when the deputies arrived on scene. However, he stated the deputies were just doing their jobs **[TRANSCRIBED INTERVIEWS, SUSPECT AGUSTIN JAIME HERNANDEZ, pages 1-5]**.

Suspect Hernandez did not recall if he approached the neighbor with a gun, but stated he has a chrome Colt, 45 caliber handgun. Suspect Hernandez said he habitually carried the gun on the left side, tucked in his pants, under his jacket.

Suspect Hernandez took the magazine and ammunition out of the gun because he did not intend to hurt anyone. He did not recall if he had the gun in his hand or not, but his lawyer told him the gun did not have his fingerprints on it. However, Suspect Hernandez stated if he had the gun in his hand, then the deputies must have ordered him to drop the gun. Furthermore, since he did not listen to the deputies, they shot at him. Suspect Hernandez remembered falling down. He believed he fainted and when he awoke, he was in the hospital. He believed he was shot twice in the right leg and once in the left leg. Suspect Hernandez admitted he had been drinking two cups of wine mixed with soda the day of this incident. He had not taken any drugs and he does not hang out with gang members. Suspect Hernandez said this incident occurred at his roasted chicken restaurant **[TRANSCRIBED INTERVIEWS, SUSPECT AGUSTIN JAIME HERNANDEZ, pages 6-20]**.

REVIEW OF 9-1-1 CALLS

At 3:53 p.m., Witness [REDACTED] called the emergency line and reported his neighbor was at his residence, [REDACTED], with a gun. Witness [REDACTED] described the suspect as a male Hispanic, 40 to 45 years old wearing a black shirt and black pants. When the desk personnel attempted to get additional information from Witness [REDACTED], he requested that the deputies respond immediately and the line disconnected **[EXHIBIT B]**.

At 4:03 p.m., an unidentified man called the emergency line and reported there was a fight at his residence, and a man had a gun. He said he lived at [REDACTED] [REDACTED], then stated a helicopter was on scene. The desk person was having a difficult time understanding the caller and connected to an interpreter. The interpreter stated the caller said he did not need assistance because deputies were at his residence **[EXHIBIT B].**

REVIEW OF RADIO TRANSMISSION

Following is a synopsis of the recorded radio transmissions during this incident. Additional information, and precise wording may be obtained by reviewing the audio recordings included with this case **[EXHIBIT B, COMPACT DISC LABELED RADIO TRAFFIC]**.

Dispatch 4:

On April 13, 2014, at 3:58 p.m., Sheriff's Communications Center (SCC) dispatched a call to Units 212D and 212T2 regarding a man with a gun. The dispatcher stated the suspect was a male Hispanic 45 years old wearing a black shirt and black pants. The suspect had a gun and was in front of [REDACTED]. He also stated the informant was uncooperative, and did not answer when he was called back. Air 22 advised they were on the frequency and responding from Bellflower.

At 4:02 p.m., Units 212D and 212T3 advised they arrived at the location regarding the person with a gun call.

At 4:05 p.m., multiple units attempted to transmit. Unit 212T3 requested emergency traffic and reported that a deputy involved shooting occurred at California and Martin Luther King (MLK) Boulevard. SCC requested a sergeant to respond. Unit 212S advised he was at the location. SCC asked Unit 212T3 to confirm whether paramedics were needed. Unit 212T3 confirmed paramedics were needed. SCC asked if paramedics were needed for sworn or civilian. Unit 212T3 responded not known. SCC asked if any suspects were outstanding. Unit 210L advised he was responding with lights and siren. SCC asked Unit 212T3 to advise if there were any outstanding suspects, and if she wanted the fire department to stage. Unit 212T3 responded she wanted the fire department to stage, and she was unaware if there were any outstanding suspects. However, she stated there was a male Hispanic who stepped out with his hands up, wearing a blue shirt.

In addition, an unidentified deputy transmitted directions to the location. Unit 213D interrupted and requested emergency traffic. He then requested Unit 212S to bring the shield up. He advised that the only suspect was down, and it was not necessary to contain the area. He requested an arrest team to respond to secure the suspect. He then advised that the suspect was on the ground next to his weapon, and he was still moving. SCC asked 213D to confirm that he was at California and MLK or if he had corresponding numbers for the sergeant. Unit 213D responded the address was [redacted]. SCC asked the sergeant to acknowledge receipt of the information. An unidentified unit advised that the suspect's gun was less than two feet away from him. Another unidentified unit advised the suspect was still moving and his gun was at his side. The unit also advised the situation was not secured. He requested additional units to respond with a shield to take the suspect into custody. He repeated that the situation was not secured. SCC repeated the situation was not secured and asked Unit 210L and Unit 212S to acknowledge. Unit 210L acknowledged. SCC advised that the fire department was staging at [redacted], the suspect was still moving, and a shield only was requested. SCC also asked if there was a unit within one minute from the location.

At 4:09 p.m., SCC asked aero to confirm how many units were at the location. Aero responded that multiple units were at the location, but that he was watching the suspect. SCC acknowledged and asked Unit 212S if he was on scene. SCC asked Unit 212L if he was on scene and Unit 212L responded he needed to keep the airwaves clear. SCC acknowledged that Unit 212L was still en route and he would keep the airwaves clear. An unidentified canine unit advised he arrived at the location. SCC asked for confirmation for the watch commander that deputies were not shot. An unidentified unit advised deputies were not shot, and they were gathering a team to approach. An unidentified unit requested that SCC and all units not on scene to keep the airwaves clear.

At 4:11 p.m., an unidentified unit advised that deputies were approaching and taking the suspect into custody.

At 4:12 p.m., an unidentified unit advised that the suspect was in custody and requested the fire department to the location. An unidentified deputy advised that the fire department was on scene and to advise when it was safe for the fire department to approach. An unidentified deputy stated to have the fire department wait until they cleared the location.

At 4:17 p.m., an unidentified unit advised they were clearing 

At 4:21 p.m., Unit 213A requested the airship to the L-TAC frequency.

At 4:22 p.m., Unit 213A advised the situation was secure, and deputies were detaining one suspect. He also advised that the fire department was treating the suspect, and requested a tactical frequency.

L-TAC:

At 3:58 p.m., an unidentified unit asked Unit 212T3 if he was on the frequency. Unit 212T3 acknowledged. The unidentified unit directed Unit 212T3 to a containment position.

At 3:59 p.m., an unidentified unit asked Unit 212B if he was on the frequency. The unit acknowledged and was directed to take a position west of the location. An unidentified unit asked desk personnel if the informant stated the suspect was armed with a handgun or rifle. Desk personnel responded that it was a handgun. The unidentified unit directed Unit 212B1 to take a position to the rear of the location.

At 4:01 p.m., an unidentified unit asked 213D if he was on L-TAC with aero. Unit 212D acknowledged and asked the airship to fly overhead, to report if he located the suspect.

At 4:03 p.m., Unit Air-22 asked if Unit 212D was on the frequency. Unit 212D acknowledged. Aero advised he saw the suspect in the doorway of a Mexican restaurant on the east side of the building with his hands up, and looking at the airship. Unit Air-22 asked if Unit 212D saw the suspect. Unit 212D advised he did not see the suspect because he was approaching the location now. Unit 212D requested a unit to respond from the west side of California. Unit Air-22 advised there was a Silver Sports Utility Van parked out front.

At 4:04 p.m., an unidentified unit asked Unit Air-22 to confirm his findings. Unit Air-22 reported that he saw the suspect talking to a male Hispanic who had his hands up and they were in the rear driveway next to a white van. A unit identifying himself as rooftop "360" asked Unit Air-22 to direct him to the location. Unit Air-22 directed the unit with rooftop "3630" to one property west of the deputy's location. Unit Air-22 also advised that a male Hispanic was in the rear of the driveway talking to another male Hispanic.

IAB Note: The above vehicle, directed by Unit Air-22, was later identified as having vehicle number SD5630.

At 4:05 p.m., an unidentified unit (Air-22) advised the suspect had a gun twice.

At 4:06 p.m., sirens are heard in the background.

At 4:08 p.m., an unidentified unit asked if Units 214S or 216S were on the frequency. Unit 216S acknowledged. The unidentified unit requested that he bring a shield because his unit did not have a shield. Unit 216S advised he would be at the location in 30 seconds with a shield.

At 4:16 p.m., a Compton Operation Safe Streets unit requested the location for the command post. Desk personnel advised the command post was not established yet. The OSS unit asked for confirmation that the location was California and MLK. The desk personnel responded that the address was [redacted].

At 4:19 p.m., an unidentified deputy advised the command post was going to be at 3898 Abbott, at the school.

At 4:22 p.m., an unidentified deputy requested that desk personnel provided one to two units from South Los Angeles, Compton, East Los Angeles and Carson Stations to assist. The desk personnel acknowledged.

ADDITONAL INFORMATION

On April 13, 2014, Homicide Investigators Kevin Acebedo and Phillip Martinez interviewed Witness [redacted] at Century Sheriff's Station. Internal Affairs Bureau Sergeants Brenda Gibson and Romeo Ingreso were present. In addition, Deputy [redacted] assigned to Century Station was also present. [redacted] is Witness [redacted]. She was in her room during this incident, and did not witness the shooting **[TRANSCRIBED INTERVIEWS, WITNESS [redacted], pages 1-5]**.

Homicide Investigators Kevin Acebedo and Phillip Martinez interviewed Witness [redacted] at Century Sheriff's Station. Internal Affairs Bureau Sergeants Brenda Gibson and Romeo Ingreso were present. In addition, Deputy [redacted] assigned to Century Station was also present. [redacted] is Witness [redacted] He was in the living room with the windows and doors closed during this incident. He heard someone arguing in Spanish. He also heard a helicopter outside. Witness [redacted] heard someone yell, "Put down your weapon, get down on the floor!" Shortly after, [redacted] heard four or five gunshots. He did not witness the shooting **[TRANSCRIBED INTERVIEWS, WITNESS [redacted], pages 1-6]**.

Deputy Labinpundo contacted [redacted], the manager at the [redacted] located at [redacted].

IAB Lieutenant Weber checked to see that Watch Commander, Lieutenant Daniel Nathan, took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident amongst themselves or with uninvolved persons prior to being interviewed by the assigned investigators. Lieutenant Weber also ensured that Lieutenant Nathan knew that the aforementioned parties should not collectively consult with their attorney or representative. In addition, IAB Lieutenant Weber checked to see if Lieutenant Nathan attempted to have the involved parties and witness personnel gather in the company of a supervisor until they provided a statement to the assigned investigators.